

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Brian Charles Hilton STEELE : Confirmation No.8912
U.S. Patent Application No. 10/552,476 : Group Art Unit: 1795
Filed: March 25, 2004 : Examiner: WANG, Eugenia

For: DENSIFICATION OF CERIA BASED ELECTROLYTES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By Official Action mailed February 25, 2010 restriction to one of the following inventions is required under 35 USC 121:

- I. **Claims 34-45, drawn to a method for determining divalent cations.**
- II. **Claims 46-58, drawn to a method for making a ceria electrolyte.**
- III. **Claims 59-83, drawn to a ceria electrolyte.**

In response, Applicants hereby provisionally elect **Group II - claims 46-58** with traverse for examination in this case.

Applicants respectfully traverse the restriction requirement, because the assertions in paragraphs 2, 5, & 6 do not comport with the administrative instructions on unity of invention. The mere presences of paragraph 8 in the Office action clearly indicates that the examiner failed to apply the appropriate standard for restriction.

Furthermore, the evidence and explanation fail to establish sufficient evidence of a serious burden upon which restriction requirements must be based. The search and examination of the entire application could be made without *serious* burden. In particular, the Examiner has not set forth *with reasonable clarity* that the groups require different fields of search or different prior art references or raise different non-prior art issues. Accordingly, Applicants respectfully submit

that the search and examination of the entire application could be made without *serious* burden on the Examiner.

Early examination on the merits is courteously solicited. It is urged that the examiner reconsider this restriction requirement and withdraw the same.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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